

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

DATE: May 2, 2002

SUBJECT: Reports of Significant Developments and Activities
Ending on April 26, 2002

FROM: William E. Muno, Director
Superfund Division

TO: Thomas V. Skinner
Regional Administrator

Bharat Mathur
Deputy Regional Administrator

The activities listed below are organized by site-specific activities, other significant developments, training/conferences, and stakeholder feedback:

SITE-SPECIFIC ACTIVITIES

Settlement (Consent Agreement & Final Order), Bergman Oil & Gas, Inc., & Petco Petroleum Corporation, Dix, Illinois

On April 17, 2002, the Acting Regional Administrator signed a Consent Agreement and Final Order (CAFO), concluding an action against Bergman Oil & Gas, Inc., and Petco Petroleum Corporation pursuant to Section 311(b)(6) of the Clean Water Act, as amended by the Oil Pollution Act. The action was taken in response to a discharge of approximately 175-195 gallons of oil from the Dix Injection Facility, located near Dix, Illinois, into an unnamed tributary of Snow Creek, which flows into Rend Lake.

The CAFO requires the companies to spend at least \$72,050 to implement a supplemental environmental project (SEP) to install an automatic oil field shut-down and a backup secondary containment system at the injection facility, relocate tank batteries and install new tanks and piping. The shut-off system and backup to the secondary containment exceed the requirements of the Spill Prevention Control and Countermeasure regulations. In addition to implementing the SEP, the CAFO also requires the companies to pay a civil

penalty of \$15,000.

Contacts: Karen Vendl (312-886-7194)
Randa Bishlawi (312-886-0510)

Settlement (Consent Agreement & Final Order), Hoosier Warehouse, Inc., Indianapolis, Indiana

On April 19, 2002, the United States Environmental Protection Agency (U.S. EPA) entered into a Consent Agreement and Final Order to resolve the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Emergency Planning and Community Right-to-Know Act (EPCRA) reporting violations arising from two releases of anhydrous ammonia at this facility. The first release of 1,300 pounds of ammonia occurred between February 12, 1999, and February 19, 1999, and the second release of 250 pounds of ammonia occurred on February 20, 1999. Ammonia is a CERCLA hazardous substance and an EPCRA extremely hazardous substance with a reportable quantity of 100 pounds. The first release was 13 times the reportable quantity and the second 2.5 times the reportable quantity. These releases were reported to the National Response Center (NRC), State Emergency Response Commission (SERC), and the Local Emergency Planning Committee (LEPC) more than three days after knowledge of the releases, and written follow-up reports were not submitted. The first release occurred due to over pressurization in their refrigeration system causing a pressure relief valve to open, and the second was an intentional release during repairs to the system. Since this is a small business as defined by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), the company was sent a prefiling letter. A settlement was reached prior to issuing the complaint. Hoosier Warehouse, Inc., agreed to pay a civil penalty of \$23,248.68 (\$11,737.74 to the Superfund and \$11,510.94 to the U.S. Treasury) to resolve these violations. The original proposed penalty was \$35,767.21.

Contact: Ruth McNamara (312-353-3193)

Contaminated Soils Undergo Thermal Desorption Treatment, Moss-American Co., Inc. (Kerr-Mcgee Oil Co.) Superfund Site, Milwaukee, Wisconsin

The Moss-American Co., Inc. (Kerr-Mcgee Oil Co.) Superfund site in Milwaukee, Wisconsin, was a former wood preserving facility using creosote to process railroad ties, poles, and fence posts. Some site soils were contaminated by polycyclic aromatic hydrocarbons (PAH), and to a lesser degree by volatile organic compounds (VOCs), such as benzene, toluene, xylene, and ethyl benzene. A 1998 Record of Decision (ROD) amendment made allowance for thermal desorption to deal with more contaminated site soils. Treatment of contaminated site soils using thermal desorption began in Spring 2001, and was largely completed by February 2002. Backfilling and grading of successfully treated soils continued into March 2002. Soils treated were required to attain residual cleanup levels that would ensure both their elimination as a groundwater contamination source threat, and avoidance of a direct contact threat to site users. By obtaining appropriate deed restrictions from current site owners, the potentially responsible party (PRP) performing the work was able to utilize an industrial direct contact cleanup value, as opposed to residential. Approximately 137,620 tons of contaminated soils were treated. This exceeded initial estimates by a considerable margin. Sampling of excavation sidewalls/bottoms after initial removal indicated further materials required treatment. With the completion of this work phase, and the prior installation of groundwater treatment equipment, contaminated sediment management will be the next significant environmental medium to be addressed at the site.

Contact: Russell Hart (312-886-4844)

Removal Assessment, Matthiessen-Hegeler Zinc Company Proposed National Priority List Site, LaSalle, Illinois

On April 17, 2002, Jon Peterson and Tom Bloom traveled to LaSalle, Illinois, to ascertain whether or not further involvement of the Removal Program was warranted at this time. After pursuing some of the pre-remedial documents for the site, one is left with the impression that there are conditions such that highly contaminated soils are at the surface which may migrate. Also, the one liable, viable potentially responsible party (PRP) bought the site after the zinc smelting stopped and only owns a small piece of the overall site. The PRP is being asked by the State of Illinois to conduct the Remedial Investigation/Feasibility Study (RI/FS) for the whole several hundred acres of the site. Tom Bloom and Jon Peterson agreed after the site visit that the

access to the contaminated soils is restricted and they are situated well above the flood plain, so it doesn't look like the site presents an imminent and substantial threat justifying a removal action. However, the site does look like a prime candidate for a Brownfields type of redevelopment with many acres of fenced-off land and large abandoned industrial buildings.

Contacts: Jon Peterson (312-353-1264)
Tom Bloom (312-886-1967)

**Public Meeting, Availability Session, Industrial Excess
Landfill Superfund Site, Uniontown, Ohio**

On April 17-18, 2002, Ross del Rosario, Luanne Vanderpool, Tim Thurlow (Office of Regional Counsel), Dave Novak (Office of Public Affairs, OPA), and Cheryl Allen (OPA), held a public meeting and an availability session for the proposed changes to the remedy for the Industrial Excess Landfill (IEL) Superfund site in Uniontown, Ohio. Both of these events were held in the United Methodist Church, about a quarter mile north of the site. During the availability session, handouts were provided, maps and figures were shown, and a videotape on phytoremediation was provided. At the public meeting, April 18, 2002, U.S. EPA described the proposed changes to the remedy for IEL, why we were proposing them, the Agency's remedy selection process, and other pertinent information. A question and answer session followed the U.S. EPA presentation, followed by an open mike session. About 20-25 people gave verbal comments during this segment of the meeting, which lasted about 3 hours. The comment period will end May 18, 2002, unless a request to extend the comment period another 30 days is received on time.

Contact: Ross del Rosario (312-886-6195)

**Site Visit, Meeting, Citizens Advisory Group Regarding
Superfund Redevelopment Initiative, Depue/New Jersey
Zinc/Mobil Chemical Corp. Superfund Site, DePue, Illinois**

On April 17, 2002, Jon Peterson, Tom Bloom, and Benny Sadlon traveled to DePue, Illinois, to attend a DePue Citizens Advisory Group (CAG) meeting. The Illinois Environmental

Protection Agency (Illinois EPA) Project Manager, Rich Lange, first took us on a tour of the site, including the million cubic yard zinc slag pile; the south ditch, which is filled with contaminated groundwater exiting the slag pile and is subject to an interim action Record of Decision (ROD) this Spring; and, the gypsum stack where a pilot phytoremediation project is progressing well.

At the CAG meeting, Tom Bloom explained the Superfund Redevelopment Initiative to the group. He explained to them that they were one of the groups that had their proposal dropped into the "hat" for possible selection by U.S. EPA Headquarters for one of the redevelopment grants. The CAG group expressed concern at how slowly the Illinois EPA was moving the site cleanup along and questioned whether site re-use decisions they made now would be applicable in 30 or 40 years when the site was finally cleaned up. We tried to counsel them to start the work on making land

use determinations before Illinois EPA got to the remedy selection phase of the project.

Contact: Jon Peterson (312-353-1264)

OTHER SIGNIFICANT DEVELOPMENTS

Contract Laboratory Program (CLP) Improvements in Data Turnaround Times, Chicago, Illinois

On April 19, 2002, U.S. EPA Region 5 formally approved the *Standard Answers for Region 5*. The Standard Answers is a list of answers to routine sampling errors. A workgroup of our users was formed to provide input to make the final document as complete as possible.

In the past, these routine errors necessitated resolution from the Region before the laboratory could proceed with analysis, thus increasing the turnaround time. With the list of Standard Answers in place, the laboratory in question can place one call to Dyncorp, the Sample Management Office (SMO) contractor, get a resolution from the list and proceed with analysis without having to wait for the sampler and region to reply. This implementation will dramatically decrease the turnaround time for the laboratory community and, ultimately,

speed up the data validation process.

Contacts: Cecilia Moore (312-886-1488)
Howard Pham (312-353-2310)

Milwaukee Brownfields Project, Milwaukee, Wisconsin

On April 15, 2002, U.S. EPA Brownfields staff met with Wisconsin Department of Natural Resources and City representatives along with groundwater modelers with the U.S. Geological Survey (USGS) to discuss implications of the new dry weather infiltration figures released recently by the Milwaukee Metropolitan Sewerage District. The new figures could significantly change the outcome of the groundwater model developed for the Menomonee Valley in Milwaukee under the Brownfields Pilot. The discussion focused on the value of recalibrating the model with the new data. Immediately afterwards the same parties attended a meeting of the Menomonee Valley Partners Environmental Committee, which also includes environmental consultants and attorneys, representatives of interested not-for-profit organizations, and Valley businesses. The groups at that meeting expressed a strong desire to have the model redone using the new, more accurate data. The

funding needed is relatively small, and we notified USGS on April 18, 2002, that we will fund the additional work.

Contacts: Jane Neumann (312-353-0123)
Matt Didier (312-353-2112)

TRAINING/CONFERENCES

Meeting, Eastern Wisconsin Area Committee, Milwaukee, Wisconsin

On April 24, 2002, the Eastern Wisconsin Area Committee met at the U.S. Coast Guard Marine Safety Office in Milwaukee, Wisconsin. Groups represented included the U.S. Coast Guard, U.S. Fish and Wildlife Service, Wisconsin Department of Natural Resources and various local agencies. On-Scene Coordinator Karen Vendl represented U.S. EPA and gave a presentation on U.S. EPA's site assessment activities at the abandoned Milwaukee Solvay Coke and Gas Company. Another

discussion topic was the upcoming Preparedness for Response Exercise Program (PREP) to be held in Milwaukee on May 2, 2002. The exercise will be in the Coast Guard response zone, and will be industry-lead. The next area meeting is scheduled for July 10, 2002.

Contact: Karen Vendl (312-886-7194)

Cross-Program Conference Call, Little River Band, Ottawa Indians, Manistee Lake, Michigan

On April 17, 2002, Superfund Division staff participated in a second cross-program conference call with the Little River Band of Ottawa Indians (LRB) to discuss options to address the problems of Manistee Lake at the mouth of the Manistee and Little Manistee Rivers near Lake Michigan. This lake is on the State of Michigan's list of impaired waters but is not scheduled for development of a Total Maximum Daily Loading (TMDL) until 2011. We explored some possible ways that the Oil Pollution Response Program could assist with oil-related issues and what information might be necessary for the Tribe to establish the need to open a full Superfund Site Assessment (SA) for the lake as a whole. The Tribe recently obtained reports from U.S. Fish and Wildlife Service about new fish studies showing markedly higher contamination in sturgeon taken from Manistee Lake than in those taken from either of the rivers or nearby waters of Lake Michigan. LRB's fish biologist is sending the report, and we will then provide them a written summary of what remaining data would be needed to determine whether a SA is justified. U.S. EPA agreed to continue with quarterly meetings of this cross-program group and the Tribe in order to coordinate efforts. U.S. EPA also will reach out to other local governments with an interest in the condition of the lake to include them in future conference calls. Discussions included the possibility of organizing a gathering of Federal and State agencies for a one-day meeting this Fall to discuss the problems of Manistee Lake and strategies for addressing them.

Contacts: Jane Neumann (312-353-0123)
John Fagiolo (312-886-0800)
Chris Christensen (312-353-6303)
Jenny Manville (231-922-4769)

Quad Cities Ground-Truthing Exercise

On April 22-26, 2002, an exercise was conducted along 51 miles of the Mississippi River in the environs of the Quad Cities. The activity was initiated to ground-truth this portion of the Inland Sensitivity Atlas and to provide data and information which the local sub-area committee will now be able to use to develop protection strategies for this stretch of the Mississippi. Chris Christenson of the Oil Planning and Response Section participated on behalf of Region 5. Personnel representing U.S. EPA Region 7, and several State agencies from both Illinois and Iowa, as well as the Army Corps of Engineers and the U.S. Coast Guard were also represented on the four teams. A team inspected each descending bank of the river from both the water side and the shore side.

Contact: Chris Christenson (312-353-6303)

STAKEHOLDER FEEDBACK

Note of Appreciation (Virginia Narsete & Helen Duteau), National Community Involvement Conference, Indiana Department of Environmental Management

Susan Gross, Indiana Department of Environmental Management (IDEM), sent an e-mail to Virginia Narsete, U.S. EPA Region 5, dated April 22, 2002, Emergency Response Branch, and Helen Duteau, U.S. EPA Headquarters, expressing recognition, as follows:

"Ginny and Helen,

Big thank you for your assistance to enable me to attend the National Community Involvement Conference on June 25-28, 2002, in Portland, Oregon. I appreciate you making the arrangements for U.S. EPA to pay for 4 nights stay at the Portland Marriott Downtown. I will handle my own transportation and meals. I will make my hotel and flight reservations today and register for the conference tomorrow.

I know the sessions and training will prove to be most beneficial to my work with U.S. EPA.

Ginny, I am looking forward to representing IDEM as a diligent member of your Region 5 community involvement team.

Again, thank you. See you at the conference!
Susan"

Contact: Virginia Narsete (312-886-4359)

Note of Recognition (Virginia Narsete), Communications and Outreach Support, Superfund Removal Program

Helen Duteau, U.S. EPA Headquarters and Suzanne Wells, sent an e-mail to Virginia Narsete, U.S. EPA Region 5, dated April 29, 2002, expressing recognition, as follows:

"Just wanted to share with you this article on the work Ginny Narsete (region 5) is doing on the communications and outreach support she is doing for the Superfund removal program."

The article appears in the Federal Times dated April 29, 2002. If you would like to read the article click on the web address. <http://federaltimes.com/index.php?S=880749>

Contact: Virginia Narsete (312-886-4359)

cc: Marianne Horinko (OSWER)
Barry Breen (OECA)
Steve Luftig (OSWER)
Larry Reed (OERR)
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